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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 09/915,215 | 07/25/2001 | Omer Luzzatti | 100583-14677 (VOCL 18.264 | 5646 |
| 26304 | 7590 | 10/20/2005 | EXAMINER | |
| KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585 | | | LIN, KELVIN Y | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2142 | |

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 09/915,215 | Applicant(s) LUZZATTI ET AL. | |
| | Examiner Kelvin Lin | Art Unit 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Detailed Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4 are rejected under 35 USC 102(e) as being anticipated by Olson et al., (U.S. Patent. No. 6311209).
2. Regarding claim 1, Olson teaches a method of maintaining synchronization between a group comprising multiple communications devices (Olson, fig.1 , col.1, l.13-17), when information associated with the group is modified by one of said multiple devices, said method comprising:
 - receiving a request verb from a first device of said grouped multiple communications devices, said request verb indicating a required event to a remotely located server (Olson, col.2, l.55-61,col.3, l.34-40,in which the distributed network and peer-peer message corresponds to the request from client to server) ;

- said server returning an acknowledging response verb to said first device (Olson, col.7, l.12-16, in which the host response with ID corresponds to an ACK responds);
- said server sending a modifying verb indicating information about said required event to each remaining device in said group, and when a remaining device receives said server originated modifying verb, the event is considered complete and the device performs said required event (Olson, col.10, l.7-10, in which the new client is synchronized with the rest of the clients and returns to the main portion corresponds to remaining device receives originated modifying verb).

3. Regarding claim 2, Olson further discloses a method of maintaining synchronization between a group of multiple communications devices, as per claim 1, where said server additionally returns said modifying verb to said first device if it is capable of receiving server originated events (Olson, col.6, l.29-41).

4. Regarding claim 3, Olson further discloses a method of maintaining synchronization between a group of multiple communications devices, as per claim 1, where said required event comprises modification of a contact list to include any of: adding a contact, editing a contact, or deleting a contact (Olson, col.8, l.35-41, in which client can update the table of client information).

5. Regarding claim 4, Olson further discloses a method of maintaining synchronization between a group of multiple communications devices, as per claim 1, where said required event comprises modification of a message status modified to include any of: reading a new message or deleting a message (Olson, col.10, l.55-61, in which the state update packets corresponds to the reading a new message).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Olson in view of Shah et al., (U.S. Patent No. 6269396).

Although Olson teaches the limitation of maintaining synchronization between a group. Olson does not teach the routing policy modification.

Regarding claim 5, Shah discloses a method of maintaining synchronization between a group of multiple communications devices, as per claim 1, where said required event comprises modification of a routing policy modified to include any of: adding a policy, deleting a policy, or changing a current active policy (Shah, col.32, l.40-45, in which the time dependent routing application may have two configurable

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elements depends on the WestCost or EastCost corresponds to the changing a current active policy).

It would have been obvious to one ordinary skilled in the art at the time of invention by Applicant to incorporate the time dependent routing policy of Shah within the Olson structure for the remote server synchronization to include of Shah's teaching for changing the routing policy when time zone is changed.

The motivation would be that the Shah's time dependent routing policy makes the maintaining synchronization between a group more realistic. Therefore, it would be a performance efficiency reason for combining both Olson and Shah time dependent routing policy improve the remote synchronization.

7. Claims 6-24 are rejected under 35 USC 103(a) as being unpatentable over Olson, and Shah on claims 1-5, and further in view of McCabe et al., (U.S. PG Pub No. 2002/0016827).

Although Olson, and Shah teaches the limitation of maintaining synchronization between a group over claims 1-5. They do not teach the out of sync modification.

Regarding claim 6, McCabe discloses a method of maintaining synchronization between a group of multiple communications devices, as per claim 1, wherein said synchronization method further comprises, for one or more devices in said group, detection and repair of an out-of-sync scenario between said device and said server (McCabe, [0002],[0075], [0208], in which the SNMP trap is used for detecting the out of sync and generates a report to network administrator then the recovery procedure starts to perform corresponds to the detection and repair of an out-of-sync scenario).

It would have been obvious to one ordinary skilled in the art at the time of invention by Applicant to incorporate the out of sync alert method of McCabe within the Olson structure for the remote server synchronization to include of McCabe teaching for detecting and repair when out of sync is detected.

The motivation would be that the McCabe's out of sync method makes the maintaining synchronization between a group a fault tolerance environment. Therefore, it would be a fault tolerance/error recovery reason for combining both Olson and McCabe out of sync method to improve the remote synchronization.

8. Regarding claim 7, McCabe further discloses that a method of maintaining synchronization between a group of multiple communications devices, as per claim 6, wherein said out-of-sync scenario is created by any of: packet loss, loss of network connection during operations, or corruption of data (McCabe, [0209], in which the SNMP trap generated for the event of buffer full, connection failure).

9. Regarding claim 8, McCabe further discloses that a method of maintaining synchronization between a group of multiple communications devices, as per claim 6, wherein said detection and repair of an out-of-sync scenario comprises periodic receiving of verbs comprising a device status identifier by said server and returning of a modifying verb upon detection of an out-of-sync status (McCabe, [0208], in which the SNMP can be configured for the interval of polling corresponds to the periodic receiving the status and repair out of sync scenario).

10. Regarding claim 9, McCabe further discloses that a method of maintaining synchronization between a group of multiple communications devices, as per claim 8,

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wherein periodic verbs are received from said one or more devices at alterable time periods (McCabe, [0208], in which the SNMP can be configured for the interval of polling corresponds to the periodic receiving the status and repair out of sync scenario).

11. Regarding claim 10, McCabe further discloses that a method of maintaining synchronization between a group of multiple communications devices, as per claim 6, wherein said detection and repair of an out-of-sync scenario comprises, at device login:

- receiving a device generated verb request (McCabe, [0210], l. 7-16 in which the user can access or manage the mirroring unit corresponds to the device request via SNMP);
- comparing server master status identifiers to said device status identifier to determine if a modification is required (McCabe, [0107], l.1-7);
- if required, returning a modifying verb (McCabe, [0113], in which the ACK/NAK corresponds to the returning a modifying verb) .

12. Regarding claim 11, McCabe further discloses that a method of maintaining synchronization between a group of multiple communications devices, as per claim 10, wherein said online verb comprises:

- a hash of an address book of a device subscriber (McCabe, [0117], in which the network address and name corresponds to the address book of a device subscriber) ;

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- an ID of a last message the device received (McCabe, [0186], in which the request of the most recent data corresponds to the last message the device received);
- binary data passed to said device during a policy modification required event (McCabe, [0150]).

13. Regarding claim 12, Olson and in view of McCabe further discloses that a method of synchronization one or more communication devices with a remote server system, said remote server system comprising one or more databases and one or more servers located locally or remotely, said method comprising:

- for each of said communication devices: detecting and repairing of an out-of-sync scenario between said device and said server system, said detecting step comprising periodically receiving verbs at said server system comprising a device status identifier and returning a modifying verb upon detection of an out-of-sync status (McCabe, [0002],[0075], [0208]);

for a group of said communication devices sharing information in said one or more databases:

- receiving a request verb from a first device of said grouped communications devices, said request verb indicating a required event to said remotely located server system (Olson, col.2, l.55-61,col.3, l.34-40);

- said server system returning an acknowledging response verb to said first device (Olson, col.7, l.12-16); said server system sending a modifying verb indicating information about said required event to each remaining device in said group, and when a remaining device receives said server originated modifying verb, the event is considered complete and the device performs said required event. (Olson, col.10, l.7-10).

14. Regarding claims 13-16 have similar limitation as claims 7, and 9-11. Therefore, claims 13-16 are rejected for the same reason set forth in the rejection of claims 7, and 9-11.

15. Regarding claims 17-20 have similar limitation as claims 2-5. Therefore, claims 17-20 are rejected for the same reason set forth in the rejection of claims 2-5.

16. Regarding claim 21, Olson and in view of McCabe further discloses that a remote server system for synchronization with one or more communication devices, said remote server system comprising one or more elements located together or distributed across a network, said system comprising:

- one or more front end processing elements (Olson, col.2, l.55-58, in which the front end element are part of the program that runs on the client);
- one or more back end processing elements operatively connected to said one or more front end processing elements (Olson, col.2, l.55-58, in which the front end element are part of the program that runs on the server);

- one or more databases operatively connected to said one or more back end processing elements (Olson, col.3, l.1-20, in which the application data corresponds to the data bases connected to one or more back end);
- interface means operative with said front end processing elements to receive and transmit event verbs to one or more communications devices (Olson, col.5, l.151-55);
- detecting and repairing software operative with said front and back end processing elements, said detecting and repairing software, for each of said communications devices (Olson, col.9, l.59-67, in which the detection of new client and application data not accurate then updates the application data):
- detecting and repairing an out-of-sync scenario between said device and said remote serve system, said detecting comprising periodically receiving said verbs at said server system comprising a device status identifier and returning a modifying verb upon detection of an out-of-sync status (McCabe, [0002],[0075], [0208]);
- synchronization software, said synchronization software operative with said front and back end processing elements, for grouped communication devices sharing information in said one or more databases: receiving a request verb from a first device of said grouped communications devices, said request verb indicating a required event to said remotely located server system (Olson, col.2, l.55-61,col.3, l.34-40);

- said server system returning an acknowledging response verb to said first device (Olson, col.7, l.12-16);
- said server system sending a modifying verb indicating information about said required event to each remaining device in said group, and when a remaining device receives said server originated modifying verb, the event is considered complete and the device performs said required event (Olson, col.10, l.7-10).

17. Regarding claim 22, Olson and in view of McCabe further discloses that a remote server system for synchronization with one or more communication devices, as per claim 21, where said one or more databases store one or more of specific device: address book(s), messages and policies (McCabe, [0117]).

18. Regarding claim 23, Olson and in view of McCabe further discloses that a remote server system for synchronization with one or more communication devices, as per claim 21, where said status identifier comprises at least one or a combination of: address book status identifiers, message status identifiers and policy status identifiers (McCabe, [0117], [0209]).

19. Regarding claim 24, Olson and in view of McCabe further discloses that a remote server system for synchronization with one or more communication devices, as per claim 21, where said address book status identifiers are equal to the hash of a string containing all contacts ID and their aliases, said message status identifier comprises a MessageID of the last new message sent to the device and the policy status identifier is

a cookie sent by the server system to the device and comprises customized information (Olson, col.8, l.35-41, col.10, l.55-61) .

Conclusion

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Zetts J., (US Patent No. 6378129) Video Server Content Synchronization.
- Rigaldies et al., (US Patent No. 6792085) System and Method for Unified Messaging with Message Replication and Synchronization.
- Berg M., (US PG Pub No. 2002/0112085) Method and System for Communication an Information Packet Through Multiple Networks.
- Ofek Y., (US Patent No. 6044444) Remote Data Mirroring having Preselection of Automatic Recovery or Intervention Required When a Disruption is Detected.
- IEEE – Nica et al., View maintenance after view synchronization, Database Engineering and application, 1999, IDEAS 99, International symposium proceedings, 2-4 Aug. 1999, pp. 215-223.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/17/05
KYL


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